

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:19-CV-509-D

SYNGENTA CROP PROTECTION, LLC,)
)
Plaintiff,)
)
v.)
)
ATTICUS, LLC,)
)
Defendant.)

ORDER

This matter is before the court on Defendant Atticus, LLC's unopposed motion to seal Plaintiff's Memorandum in Support of its Second Motion to Compel Discovery and Exhibits 1, 3, and 4 submitted in support thereof. Defendant moves to seal the filings on the ground they "contain highly confidential information regarding potential business dealings with third parties along with Atticus's consultation with legal counsel concerning the potential supply of azoxystrobin [and] further detail specific information of these confidential business discussions and the private information of these third parties and their business including information concerning potential manufacture and supply of azoxystrobin." (Mot. Seal [DE #155] at 1[.])

For the reasons set forth in Defendant's motion and supporting memorandum, the court finds that the public's common law right of access is outweighed by Defendant's interests in protecting against competitive and/or financial harm to Defendant were such information made public. *In re Knight Publ'g Co.*, 743 F.2d 231 (4th Cir. 1984). Public notice of Defendant's request to seal and

reasonable opportunity to object have been provided by the filing of its motion, and no objections have been filed with the court. Furthermore, Defendant has narrowly tailored its request to remove only information that is sensitive and confidential and not otherwise publicly known. Defendant's motion is therefore allowed.

CONCLUSION

For the foregoing reasons, it is hereby ORDERED as follows:

1. Defendant's Motion to Seal [DE #155] is GRANTED, and the following documents shall be SEALED:

a. Plaintiff's Memorandum in Support of its Second Motion to Compel Discovery [DE #136]. A redacted version of this filing is attached as Exhibit 1 to the Declaration of Shannon Russell [DE #157-1]; and

b. Exhibits 1, 3, and 4 to Plaintiff's Memorandum in Support of its Second Motion to Compel Discovery [DE ##136-2, 136-3, 136-4]. A redacted version of Exhibit 3 is attached as Exhibit 2 to the Declaration of Shannon Russell [DE #157-2].

This 26th day of June 2021.

A handwritten signature in black ink, appearing to read "Kimberly A. Swank", written over a horizontal line.

KIMBERLY A. SWANK

United States Magistrate Judge